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### **REMARKS**

The Office Action of January 14, 2005 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested.

As set forth by the Applicant (see Published Application ¶ [0012]), the present application is directed to a data entry keyboard combining "a spatial distribution of characters to be selected and entered with [a] time variable ... whereby characters are presented for selection in display windows for discrete display time periods, and users rely upon hand-eye coordination and trainable manual dexterity of the of the user to "grab" the displayed characters on the fly or as quickly as possible. Secondly, keyboards in accordance with the present invention comprise multiple display windows in which character sets of a defined character group are simultaneously displayed. Each character set is presented for selection in a display window for discrete display time periods..." "Thus, the full collection of characters is presented in space and in time to reduce the time between character selection, and speed and accuracy of data entry are increased."

As further set forth in the summary at ¶¶ [0013] and [0014] of the published application, "[i]n such a system, character groups of a character collection comprising an alphabet and/or set of numerals and/or symbols and/or punctuation marks are defined. Each character group of characters is repetitively scrolled though a display window for that character group, whereby individual characters of the character group appear in the display window for a brief display time. All the characters that make up an individual character group are assigned to one display window that cycles through each character of the character group over time. Each character group of characters gets a character display window, so there are as many display windows as there are character groups, and a selection key is assigned to each display window. The selection key associated with the particular character display window containing that character is pressed or selected by a curser [sic] or any other suitable way by a user at the same time that the desired character is displayed in that display window, and the selected character is entered as data input.

With the addition of time as a keyboard variable, the keyboard of the present invention can be thought of as a two-dimensional matrix with physical position of each display window as a variable on one axis and time as a variable on the other axis. The spatial aspect of the invention introduces the idea of dividing the large

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collection of characters into character groups recognizable to the user and displaying each character of each character group in a defined user recognizable sequence."

The Specification has been amended to correct spelling errors and informalities noted therein during a review of the application.

Turning now, to the office action, the Office Action Summary indicates that the drawings filed on January 16, 2002 were objected to by the Examiner. However, no indication was provided as to the nature of the drawing objections. In fact, no treatment of the drawing objection is found in the Detailed Action. Absent further information relative to the drawing objection, Applicant assumes that the drawing objection noted on the Office Action Summary was in error, and that the drawings are acceptable. If an objection to the drawings is maintained, Applicant contends that the present Office Action is incomplete, and requests that the objections be specifically enumerated and that Applicant be permitted an opportunity to respond to the objections in a subsequent action.

Similarly, although there was no indication of a claim objection in the Office Action Summary, Applicant respectfully notes that the Detailed Action includes a Claim objection. Claim 6 was objected to due to a typographical error. Claim 6 has been amended herein to clarify the intended punctuation at the end of the sentence is indeed a period (".").

With respect to the substantive examination, claims 1 – 20 were rejected under 35 U.S.C. §102(a) as being anticipated by Kubota et al. (5,956,021).

The disclosure of Kubota and the unanticipated elements of claims 1 – 20 may be briefly summarized as follows:

Kubota is directed to an input device for inputting information by touching keys displayed on a screen with a pen. In particular, the method and device are directed to input with "a lesser number of vertical pen movements..." (col. 2, lines 27-28). Described is a method where "[k]ey input is determined not by the moment the pen is put on the tablet but by the pen-dragging action on the tablet." (col. 3, lines 1-2). And, when a "pen keeps pressing the key for a given time period, the key display successively changes to related keys." (col. 3, lines 44-45). The inherent problem with the Kubota system and method is that a user must first select only a

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"representative key for each group of related keys..." (col. 4, line 1), yet "[e]ven though the pen keeps pressing the key for a given time period, unless a given pen operation is carried out by the operator, the displayed key does not change to another key." (col. 4, lines 8 – 11). This is a critical distinction as the operator must make various "selections" (pen pressing, change of pen pressure, and strokes while the pen is depressed) in order to display related keys. Moreover, the related keys seem to be displayed only if/when the pen remains pressed – a time in which the operator's view is obstructed by the pen!

The claimed invention, on the other hand, and particularly independent claims 1 and 9, specifically contemplates the use of a time variable (display time) to automatically advance or change the display of characters available for selection by a user in the nature of groups of characters that are displayed as a character set across multiple windows or regions and which are changed at a display time. For example, claim 1 recites the steps of defining character groups where each character group is displayed in a display window on a time variable basis, successively displaying the characters of each character group in each respective display window for a display time, whereby a character set is simultaneously displayed to the user in the respective plurality of display windows, and detecting the selection by the user, of a character displayed in a display window during the display time.

Not only does Kubota fail to disclose or suggest a time-variable display, where characters available for selection change regardless of the operator's pen position, but Kubota also fails to teach the recited distinction of character groups and character sets (group being those characters sequentially displayed in a particular window, whereas a set is all characters displayed in the windows for selection at a particular time; see e.g., ¶ [0048]). It is the use of groups and sets of characters that permit the claimed method and system to rapidly and efficiently present all characters in a collection for selection by the user. In light of the above-noted distinctions, Kubota clearly fails to teach the recited elements directed to both the use of a timed display of characters for selection as well as the respective distinction of characters within display set or characters grouped for display within one particular display window of a plurality of windows (successively displaying/scrolling characters in each respective display window where a character set is simultaneously displayed to the user in the respective plurality of display windows). Hence, claims 1 and 9 are not

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anticipated by Kubota and Applicant respectfully requests that an acknowledgement of the allowance of claims 1 and 9 be provided in a subsequent communication.

Insofar as claims 2 – 8 and 10 - 20, inclusive, are concerned, these claims all depend from now presumably allowable claims 1 or 9 and are also believed to be in allowable condition for the reasons hereinbefore discussed with regard to claims 1 and 9. To the extent not otherwise discussed, the above-noted arguments are incorporated into the following arguments in traversal of the rejections of the dependent claims as well.

With respect to the rejection of claims 3 and 14, Applicant respectfully maintains that the Kubota fails to teach "simultaneously displaying a character capable of being selected by the user, a previously displayed character of the character group, and the next to be displayed character of the character group." (emphasis added). While Kubota teaches at col. 17, lines 18 – 24, the response to pen pressure change being the display of a subsequent character, this does not teach the simultaneous display of at least three characters within the group (current capable of selection, previous and next). Moreover, the illustrations in Figures 19 and 20, as described at col. 17, are to illustrate how a character is selected (by dragging a pen to it, so it is shaded), and how pressure of the pen also shows a next candidate in the shaded region. The character is input by lifting the pen. A careful reading of the description relative to Figures 19 and 20 does not appear to teach the simultaneous display of "previous, current and next" characters within a group. Accordingly, claim 3 cannot be anticipated by Kubota and is believed to be in condition for allowance.

Relative to claims 4 – 7 and 15 - 18, the steps specifically recite that a user defines certain aspects of the display or character group. Although the Examiner has indicated particular section of Kubota for such teachings, Applicant is unable to identify where Kubota teaches "user defines the number of the display windows in the step of defining a plurality of display windows" as set forth in claim 4. Kubota, at col. 6, lines 45 – 50, merely teaches various areas, not the ability of a user to define the number of character display windows. As to claim 5, which recites "the user defines the character group in the step of defining character groups," there is also no such teaching found in the previously recited sections of col. 17 of Figures 19 and 20. Hence, claims 4 and 5 are respectfully urged not to be anticipated by Kubota.

In claims 6 – 7, the claims recite that the user defines the character display time and character display rate. Although Kubota does suggest (e.g., col. 4, lines 12-13) that

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an operator can change the displayed key to another related key at a desired timing, when taken in context, the "desired timing" is clearly referencing the prior lines where the timing is characterized as corresponding to the time the user keeps pressing a pen on a certain key. Applicant respectfully urges that this is direct control of a single character's display, and is not defining a character display time to be used to display each character in a group of characters. Accordingly, Claims 6 and 7 are also believed to be unanticipated by Kubota.

Relative to the rejection of claim 8, not only does Kubota fail to disclose character groups, as set forth in the remarks relative to claim 1, but even if the groups of Figures 13A – J are considered "groups" there is clearly an illustration of a total of at least five characters in the figures. Once again, Applicant respectfully contends that the limitations of claim 8 are not taught by Kubota, and that the claim is, therefore, not anticipated. Similarly, for the reasons set forth herein relative to claims 4 – 5 and 8, claims 15 – 18 are further urged as not anticipated by Kubota, and in condition for allowance.

Claim 9, also an independent claim, was indicated as being rejected for the reasons set forth relative to claims 1 and 3. However, the rejection provides no reference to the recited means for dividing characters into character groups, nor of means for scrolling characters of each group through a display window. Absent a teaching of such means, or at least structure suitable for carrying out such functions in Kubota, the claim limitations cannot be anticipated. With regard to claims 10 and 13, which are apparently rejected for the same basis as set forth for claims 1 and 3, Applicant notes that the rejection has failed to set forth any teaching relied upon for the recited limitation of a scrolling means, let alone one suitable for "for reversing the direction of advancement of a character of each character group into the display window" as recited in claim 10. Nor is there any teaching of "scrolling a character of each character group into the display window" as specifically recited in claim 13. Absent a teaching of the recited limitations of claims 9, 10 and 13, there can be no anticipation. Accordingly, claims 9, 10 and 13 are respectfully submitted to be in condition for allowance and withdrawal of the rejection is requested.

As to claim 11, as previously discussed the teachings at col. 4, lines 12-19 and Figures 19 – 20 of Kubota are actually contrary to the recited "means for timing out the display time; and means for replacing the character displayed in the display

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window with the next character in the predetermined order of the characters or each character group upon expiration of the display time," as no display time is described by Kubota. Nor is there a teaching of the recited character group or replacing a character with another character in a character group. Similarly, the limitations of claim 12, are only applicable in a system that automatically scrolls or changes the character being displayed. Moreover, the Examiner acknowledges that it is not a display time that is used in Kubota, but merely the time a user delays lifting a pen from the screen that controls the display. Applicant urges that lifting or not lifting a pen has no control or impact on timing out of the display time as recited. The mere possibility that a similar result can be obtained is not an anticipation of the recited claim limitations. Hence, Applicant respectfully contends that claims 11 and 12 are not anticipated by Kubota.

As to claims 19 and 20, among other limitations, both claims recite limitations directed to the reversing or backing-up of the characters being displayed. Like claim 10, Applicant respectfully maintains that such limitations are not taught by Kubota, and that the Examiner's reliance on the disclosure of a "past touch position storage unit 405" is misplaced. Applicant refers to columns 13 – 14, which describe the operation of the Kubota invention relative to Fig. 14, where the data stored in the past touch position storage unit 405 is used to characterize the direction of movement of the pen (see step 803) and/or the character display region to be shaded. Not only is there no description of a scrolling means, but there is also no disclosure of the reversal of scrolling. Accordingly, Applicant further maintains that claims 19 and 20 are similarly unanticipated by Kubota and in condition for allowance.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance of claims 1 – 20 thereof are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

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In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,



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